

Appl. No. 10/647,758
Reply to Office Action of 07/06/2004

REMARKS

Applicant respectfully requests reconsideration of the present application. Upon entry of the above amendment, claims 1-7 and 11-17 remain pending in the application.

Objection to Claim 15

Claim 15 is objected to because of the presence of a typographical error. In view of the amendment of claim 15 herein, this basis of objection is now moot and should be withdrawn.

Rejection of Claims 1-3 under 35 U.S.C. § 102(e)

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,416,674 to *Singleton et al.* Applicant submits that in view of the Declaration Under 37 C.F.R. § 1.132 enclosed herewith, this basis of rejection is now moot. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claims 8-10 under 35 U.S.C. § 102(e)

Claims 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,723,669 to *Clark et al.* Applicant submits that this basis of rejection now is moot in view of the cancellation of claims 8-10 herein. Withdrawal of this basis of rejection is requested.

Rejection of Claims 11, 14, 16, and 17 under 35 U.S.C. § 103(a)

Claims 11, 14, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Clark et al.* Applicant respectfully traverses this basis of rejection.

Appl. No. 10/647,758
Reply to Office Action of 07/06/2004

In the Office Action, it is alleged that *Clark et al.* teaches all the elements of the rejected claims except for either a plurality of reinforcing bands or reinforcing elements set forth in each of the claims. The Office Action then goes on to allege that "...one-piece construction in place of separate elements fastened together is a design consideration with [sic] the skill of the art. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965)."

Applicant submits that a *prima facie* case of obviousness has not been established in this rejection, since, at least, a motivation to modify the reference has not been established. *Clark et al.* discloses an intermediate layer of multi-component meltblowdown fibers 18 between a first spunbond fiber web 16 and a second spunbond fiber web 20, but never teaches or suggests that the intermediate layer 18 is a reinforcing element as alleged in the Office Action.

Clark et al. provides no motivation, either explicitly or implicitly, for modifying the intermediate layer 18 as set forth therein, nor does anything else in the Office Action. Rather, the Office Action simply states that "...one-piece construction in place of separate elements fastened together is a design consideration with [sic] the skill of the art." Curiously, this statement fails to refer directly to the claimed subject matter.

The cases cited in support of the rejection do not remedy this failure since the holdings for both In re Kohno and In re Larson are directed simply to the premise that the term "integral" is not limited to a fabrication from a single piece or a one-piece article. The rejected claims do not include the term "integral" and, thus, these cases are irrelevant to the analysis of the rejected claims.

The statement and cases set forth in the rejection seem to be addressing the converse of the subject matter of the rejected claims and not the claims themselves. As a result, no

Appl. No. 10/647,758
Reply to Office Action of 07/06/2004

modification of *Clark et al.* is clearly established that can be relied upon to reject the claims. This fact, in combination with the complete lack of motivation to modify *Clark et al.* in the reference or rejection, leads necessarily to the conclusion that no *prima facie* case of obviousness has been established. Accordingly, Applicant requests withdrawal of this rejection. If this basis of rejection is maintained, Applicant requests that the modification be clarified and one or more references in support of the modification be provided in another non-final office action.

Allowable Subject Matter

Claims 4-7, 12, 13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant submits that claims 4-7 are allowable in view of the traversal of the rejection of claims 1-3 herein. Furthermore, claims 12, 13, and 15 are now in condition for allowance in view of the amendment to the claims and the arguments set forth herein.

Appl. No. 10/647,758
Rcply to Office Action of 07/06/2004

CONCLUSION


Applicant submits that the present application now is in condition for allowance and requests prompt notification thereof. However, if the Examiner believes any issue remains in the present application, Applicant respectfully requests that the Examiner contact the undersigned attorney.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

10/4/04
Date


D. Scott Sudderth
Registration No. 34,026
Thomas B. McGurk
Registration No. 44,920
Attorneys for Applicant

Customer No. 26158
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 962-7527 (Telephone)
(404) 870-8177 (Facsimile)

Docket No.: S146 1080.1